

preclude the use of upper torso restraints. The FAA cannot insist on a particular means of compliance. In this case, Jetstream has elected to show compliance with the requirements through the use of airbags, and these special conditions are promulgated to establish the appropriate certification criteria for airbags. Thus, the issue of whether upper torso restraints should be required is outside the scope of these special conditions.

Jetstream has commented that the requirement to accommodate occupants seated in the brace position should only apply to designs that have no deactivation feature. They contend that, in the case where a passenger would assume the brace position, there will be time to disable the airbag (since it wouldn't be needed for a person in the brace position), and therefore the requirement is not necessary for the Jetstream Model 4100. The FAA disagrees that the need to address the brace position is mitigated if the system has a deactivation capability. The possibility that a passenger will or will not be in the brace position cannot be disregarded, since the accident scenarios are unknown. The potential for a person to assume the brace position unnecessarily, as well as the potential for a person to fail to assume the brace position when necessary, must be considered. Therefore, the fact that the Jetstream system has a means to deactivate the system has no bearing on the proposed requirement. The requirement is adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Jetstream Model 4100. Should Jetstream apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A41NM to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of 14 CFR 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability, and it affects only the manufacturer who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegates to be by the Administrator, the following special conditions are issued as part of the type certification basis for the Jetstream Aircraft Limited, Jetstream Model 4100 Series Airplanes:

1. It must be shown that inadvertent deployment of the airbag, during the most critical part of the flight, will either not cause a hazard to the airplane or is extremely improbable.

2. It must be shown that an inadvertent deployment that could cause injury to a standing or sitting person, is improbable.

3. For the purposes of complying with Special Conditions No. 25-ANM-48, high intensity radiated fields (HIRF), the airbag system is considered a "critical system" if its deployment could have a hazardous effect on the airplane; otherwise it is considered an "essential" system.

4. It must be shown that the airbag system is not susceptible to inadvertent deployment as a result of wear and tear or inertial loads resulting from inflight or ground maneuvers (including gusts and hard landings) likely to be experienced in service.

5. It must be shown that the airbag will deploy and provide protection under crash conditions where its use is necessary to prevent serious head injury.

6. It must be shown that the airbag will not be a hazard to occupants that are in the brace position when it deploys.

7. The airbag must provide adequate protection for each occupant regardless of the number of occupants of the seat assembly.

8. It must be shown that the airbag will not impede rapid egress of occupants after 10 seconds following its deployment.

9. It must be shown that the airbag will not release hazardous quantities of gas or particulate matter into the cabin.

10. The airbag must function properly after loss of normal electrical power, and after a transverse separation of the fuselage at the most critical location.

11. The airbag installation must be protected from the effects of fire such that no hazard to occupants will result.

12. There must be a means, that is operable by a crewmember, to verify the integrity of the airbag activation system.

Issued in Renton, Washington, on May 14, 1997.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.

[FR Doc. 97-13588 Filed 5-22-97; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-CE-44-AD; Amendment 39-10017; AD 97-10-05]

Airworthiness Directives; Jetstream Aircraft Limited HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Jetstream Aircraft Limited (JAL) HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes. This AD requires repetitively inspecting the main landing gear (MLG) pintle to cylinder interface area for cracks, and replacing any MLG cylinder where a crack of any length is found in the MLG pintle to cylinder interface area. This AD results from reports of MLG cracks in the area of the pintle to cylinder interface on three of the affected airplanes. The actions specified by this AD are intended to prevent failure of the MLG caused by cracks in the pintle to cylinder interface area, which could result in loss of control of the airplane during landing operations.

DATES: Effective July 11, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 11, 1997.

ADDRESSES: Service information that applies to this AD may be obtained from Jetstream Aircraft Limited, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, telephone (44-292) 79888; facsimile (44-292) 79703; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, D.C. 20041-6029; telephone (703) 406-1161; facsimile (703) 406-1469. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 95-

CE-44-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Rodriguez, Program Manager, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium; telephone (32 2) 508.2715; facsimile (32 2) 230.6899; or Mr. S.M. Nagarajan, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain JAL HP137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 19, 1995 (60 FR 48429). The NPRM proposed to require repetitively inspecting the MLG pintle to cylinder interface area for cracks, and replacing any MLG cylinder where a crack is found in the MLG pintle to cylinder interface area that exceeds certain limits.

Interested persons were afforded an opportunity to participate in the making of this amendment. One comment was received in favor of the proposed rule and no comments were received regarding the FAA's determination of the cost to the public.

As written, the original NPRM would have allowed continued flight if cracks are found in the MLG pintle to cylinder interface area when the cracks do not exceed certain limits. Since issuing that NPRM, the FAA established a policy to disallow airplane operation when known cracks exist in primary structure, unless the ability to sustain ultimate load with these cracks is proven. This policy was established based on the FAA's extensive analysis of the consequences of flying with cracks in primary structure. The MLG pintle to cylinder interface area is considered primary structure, and the FAA has not received any analysis to prove that ultimate load can be sustained with cracks in this area.

For this reason, the FAA determined that the crack limits specified in the NPRM should be eliminated and that the NPRM should be revised to propose immediate replacement of the MLG cylinder if any cracks are found in the MLG pintle to cylinder interface area. Since revising the proposed AD to require immediate replacement of the MLG cylinder when cracks are found in the MLG pintle to cylinder interface area went beyond the scope of what was presented in the original NPRM, the FAA published a supplemental NPRM in the **Federal Register** on March 19, 1996 (61 FR 12051, March 25, 1996).

After publication of this supplemental NPRM, the FAA re-examined all information related to this subject and determined that the actions proposed were still a valid safety issue, but that more stringent repetitive inspection intervals needed to be established. Specifically, the MLG pintle to cylinder interface area would need to be inspected initially "upon accumulating 8,000 landings on an affected MLG."

(instead of 8,500 landings), "* * * and, thereafter at intervals not to exceed 1,200 landings * * *" (instead of 4,000 landings). The more stringent inspection intervals were based on an analysis done by JAL and subsequently evaluated and approved by the FAA. The FAA issued another supplemental NPRM that was published in the **Federal Register** on December 17, 1996 (61 FR 66238) to incorporate the more stringent inspection intervals.

Interested persons were again afforded an opportunity to participate in the making of this amendment. No comments were received regarding the substance of the second supplemental NPRM or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the AD as proposed in the second supplemental NPRM, except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Relevant Service Information

Accomplishment of the inspections required by this AD are required in accordance with Jetstream Alert Service Bulletin 32-JA 960142, dated March 15, 1996; AP Precision Hydraulics Ltd. Service Bulletin 32-56, Revision 3, dated February 1995; and Jetstream Alert Service Bulletin 32-A-JA 941245, Revision 3, dated March 15, 1996, which incorporates the following pages:

Pages	Revision level	Date
1 through 4	Revision 3	March 15, 1996.
5 through 11	Revision 2	March 28, 1995.

Cost Impact

The FAA estimates that 250 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 6 workhours per airplane to accomplish this AD, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of the required inspection on U.S. operators is estimated to be \$90,000. This figure does not take into account the cost of repetitive inspections or the cost of replacement MLG cylinders if any crack is found in the MLG pintle to cylinder interface area. The FAA has no way of

determining the number of repetitive inspections each owner/operator would incur over the life of the airplane or the number of MLG cylinders that may be found cracked during the inspections required by this AD.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in

accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

1863
1863/4C
1864/4B
BOOA702851A
BOOA703065A
BOOA702926A
BO1A703066A

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

1863/4A
1864
1864/4C
BOOA702925A
BO1A703065A
BO1A702926A
BOOA703031A

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

97-10-05 Jetstream Aircraft Limited:
Amendment 39-10017; Docket No. 95-CE-44-AD.

Applicability: HP 137 Mk1, Jetstream series 200, and Jetstream Models 3101 and 3201 airplanes (all serial numbers), certificated in any category, that are equipped with a main landing gear (MLG) incorporating one of the following part numbers (or FAA-approved equivalent):

1863/4B
1864/4A
BOOA702850A
BO1A702925A
BOOA703030A
BOOA703066A

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required initially upon accumulating 8,000 landings on an affected

MLG or within the next 100 landings after the effective date of this AD, whichever occurs later, unless already accomplished, and thereafter at intervals not to exceed 1,200 landings accumulated on an affected MLG.

Note 2: If the number of landings is unknown, hours time-in-service (TIS) may be used by multiplying the number of hours TIS by 0.75. If hours TIS are utilized to calculate the number of landings, this would make the AD effective "initially upon accumulating 10,667 hours TIS on an affected MLG or within the next 133 hours TIS after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed to 1,600 hours TIS accumulated on an affected MLG."

To prevent failure of the MLG caused by cracks in the pintle to cylinder interface area,

which could result in loss of control of the airplane during landing operations, accomplish the following:

(a) Inspect the MLG pintle to cylinder interface area for cracks in accordance with one of the following:

- (1) Using non-destructive testing (NDT) eddy current methods, in accordance with AP Precision Hydraulics Ltd. Service Bulletin 32-56, Revision 3, dated February 1995; or
- (2) Using fluorescent penetrant methods, in accordance with Appendix 1 in Jetstream Service Bulletin 32-JA 960142, dated March 15, 1996; or Appendix 2 in Jetstream Alert Service Bulletin 32-A-JA 941245, Revision 3, dated March 15, 1996, which incorporates the following pages:

Pages	Revision level	Date
1 through 4	Revision 3	March 15, 1996.
5 through 11	Revision 2	March 28, 1995.

(b) If any crack is found during any inspection required by this AD, prior to further flight, replace the MLG cylinder with a serviceable part in accordance with the applicable maintenance manual. Replacing the MLG cylinder does not eliminate the repetitive inspection requirement of this AD.

Note 3: The "prior to further flight" replacement compliance time required by this AD if a MLG cylinder is cracked is different from the compliance times referenced in Jetstream Service Bulletin 32-JA 960142, dated March 15, 1996; Precision Hydraulics Ltd. Service Bulletin 32-56, Revision 3, dated February 1995, or Jetstream Alert Service Bulletin 32-A-JA 941245, Revision 3, dated March 15, 1996. This AD

takes precedence over any service information.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the initial and repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Division, Europe, Africa, Middle East office, FAA, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA

Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Division.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Division.

(e) The inspections required by this AD shall be done in accordance with either Jetstream Service Bulletin 32-JA 960142, dated March 15, 1996; Precision Hydraulics Ltd. Service Bulletin 32-56, Revision 3, dated February 1995; or Jetstream Alert Service Bulletin 32-A-JA 941245, Revision 3, dated March 15, 1996, which incorporates the following pages:

Pages	Revision level	Date
1 through 4	Revision 3	March 15, 1996.
5 through 11	Revision 2	March 28, 1995.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC, 20041-6029. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment (39-10017) becomes effective on July 11, 1997.

Issued in Kansas City, Missouri, on May 2, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-12023 Filed 5-22-97; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-SW-34-AD; Amendment 39-10028; AD 97-10-15]

RIN 2120-AA64

Airworthiness Directives; Sikorsky Aircraft-Manufactured Model S-64F Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Sikorsky Aircraft-manufactured Model S-64F helicopters, that requires inspections, and replacement, if necessary, of the main gearbox second stage lower planetary plate (plate). This amendment is prompted by two incidents in which the plate was found cracked. The actions specified by this AD are intended to prevent failure of the plate due to fatigue cracking, which could lead to failure of the main gearbox and subsequent loss of control of the helicopter.

DATES: Effective June 27, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 27, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from Erickson Air-Crane Co., 3100 Willow Springs Rd., P.O. Box 3247,

Central Point, Oregon 97502. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Uday Garadi, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222-5114, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to Sikorsky Aircraft-manufactured Model S-64F helicopters was published in the **Federal Register** on October 11, 1996 (61 FR 53337). That action proposed to require an inspection, prior to the first flight of each day, of the main oil filter for the main gearboxes containing a plate with more than 2,000 hours time-in-service (TIS) for magnesium contamination and, if magnesium contamination is present, replacement of the main gearbox assembly. For main gearbox assemblies containing a plate with more than 2,000 hours TIS, that action also proposed to require an inspection of the plate within the next 100 hours TIS after the effective date of this AD, and thereafter at intervals not to exceed 500 hours TIS; and replacement of the plate if necessary. Finally, that action proposed to require, at the next overhaul of the main gearbox assembly, inspection and rework of plates that are not cracked.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed with minor editorial changes, and a correction to the estimated cost impact to include the number of work hours to inspect the main gearbox oil filter pack and the number of work hours to rework the plate. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 6 helicopters of U.S. registry will be affected by this proposed AD, that it will take approximately 8 work hours per helicopter to accomplish the borescope inspection, 1 work hour to inspect the main gearbox oil filter pack, 140 work

hours to remove and replace the main gearbox assembly, if necessary, and 20 work hours to rework the plate; and that the average labor rate is \$60 per work hour. Required parts will cost \$8,000 per helicopter. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$108,480; \$2,880 to accomplish the borescope inspections, and \$105,600 to replace the plate in the main gearbox assembly in all 6 helicopters, if necessary. Daily preflight inspections of the main gearbox oil filter pack will cost \$60 per helicopter for each day flight is conducted.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.